



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

February 22, 2016

U.S. Army Corps of Engineers  
Sacramento District  
Attention: Anne Baker  
1325 J Street  
Sacramento, California 95814-2922

Subject: American River Watershed Common Features General Reevaluation Report Final  
Environmental Impact Statement/Environmental Impact Report, Sacramento and Yolo  
Counties, California [CEQ #20160014]

Dear Ms. Baker:

The U.S. Environmental Protection Agency has reviewed the above referenced document. Our review and comments are provided pursuant to the National Environmental Policy Act, the Council on Environmental Quality's NEPA Implementation Regulations at 40 CFR 1500 - 1508, and our review authority under Section 309 of the Clean Air Act.

The Final Environmental Impact Statement evaluates alternatives to provide flood risk management to the city of Sacramento by improving the levees that surround the city. The Tentatively Selected Plan -- Alternative 2-Sacramento Bypass and Improve Levees -- appears to be the least environmentally damaging alternative as it results in less riparian habitat removal and creates additional floodplain acreage.

In our comments on the Draft EIS, we expressed concerns about the potential for construction emissions to contribute to violations of the National Ambient Air Quality Standard (NAAQS) for oxides of nitrogen (NOx). We also recommended that, if NOx emissions would exceed the *de minimis* threshold under the Tentatively Selected Plan, the Final EIS demonstrate that the project would conform to the State Implementation Plan by including a draft conformity determination.

Response AA-5 in the Final EIS states, "Emissions estimates in the final EIS/EIR do not exceed *de minimis* thresholds. The Corps is including proposed mitigation in order to further reduce these emissions beyond the estimates provided. A draft conformity determination is not required, since estimated emissions do not exceed *de minimis* thresholds." Table 37 of the Final EIS, however, shows that the estimated Barge Delivery Scenario emissions for NOx in the Sacramento Metropolitan Air Quality Management District remain the same as those estimated in the Draft EIS, and do exceed the *de minimis* threshold of 25 tons per year. It is, therefore, unclear what has changed. As we stated in our comments on the Draft EIS, measures to reduce emissions from the proposed action to below *de minimis* levels "must be State or Federally enforceable to guarantee that emissions would be below *de minimis* in the future." Both the Draft and Final EIS identify required measures that would be added to reduce emissions, but according to the Final EIS (p. 236) these appear to have already been factored into the

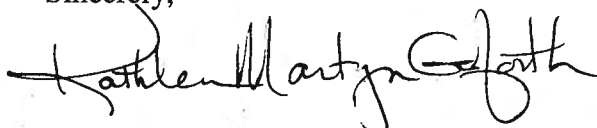
emissions estimates in Table 37 and cannot be counted twice. We understand that this may be the result of an accounting error (personal communication between you and Jeanne Geselbracht, EPA) and recommend that it be rectified.

Because the applicability analysis in the Final EIS does not demonstrate that the project would conform to the applicable State Implementation Plan, we recommend that, prior to the Record of Decision, the Corps revise the applicability analysis to demonstrate that the proposed project's emissions do not exceed the general conformity *de minimis* threshold, and send a copy to this office. Alternatively, we recommend the Corps conduct a conformity determination in accordance with the procedures and public notice requirements of 40 CFR Part 93 Subpart B.

The EPA appreciates the use of climate scenarios to inform the alternatives analysis and the inclusion of measures to improve resilience and preparedness for climate change. We also appreciate the Corps' intent to consider a wide range of possible avoidance, minimization, and mitigation measures for reducing the project's contribution to climate change. We encourage the Corps to implement the measures needed to maximize avoidance and mitigation.

We appreciate the opportunity to review this Final EIS. Please send a copy of the Record of Decision to this office (mailcode ENF-4-2) when it becomes available. If you have any questions, please call me at (415) 972-3521 or contact Jeanne Geselbracht, our lead NEPA reviewer for this project, at [geselbracht.jeanne@epa.gov](mailto:geselbracht.jeanne@epa.gov) or (415) 972-3853.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen Martyn Goforth". The signature is fluid and cursive, with the first name "Kathleen" being the most prominent.

Kathleen Martyn Goforth, Manager  
Environmental Review Section

cc: Larry Greene, Sacramento Metropolitan Air Quality Management District  
Erin Brehmer, Central Valley Flood Protection Board  
Peter Buck, Sacramento Area Flood Control Agency  
Howard Hold, Central Valley Regional Water Quality Control Board